

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DENISE A. CERNY,)
)
Defendant.)

8:08CR39

ORDER

This matter is before the court on the motion to continue by defendant Denise A. Cerny (Cerny) made during a telephone conference with counsel on December 10, 2008. Cerny's counsel represented that an expert witness for the defense had various conflicts and counsel agreed that a trial date of January 26, 2009 would accommodate both parties. Counsel for the government had previously represented that the psychological report previously ordered by the court was not received until November 24, 2008 (Filing No. 31). Accordingly, Cerny's oral motion will be granted and this matter will be set for trial on January 26, 2009.

IT IS ORDERED:

1. Cerny's oral motion to continue trial is granted.
2. Trial of this matter is re-scheduled for **January 26, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 28, 2008 and November 24, 2008**, and the time between **December 10, 2008 and January 26, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 10th day of December, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge